

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 16-0440 WHA

v.

YEVGENIY ALEKSANDROVICH  
NIKULIN,

Defendant.

**SPECIAL VERDICT FORM**

YOU MAY APPROACH THE FOLLOWING QUESTIONS IN ANY ORDER YOU  
WISH, BUT YOUR ANSWERS MUST BE **UNANIMOUS**.

1. Has the government proven beyond a reasonable doubt that defendant Yevgeniy Nikulin is guilty of Computer Intrusion, in violation of Title 18, United States Code, Section 1030(a)(2) as charged in Count One of the indictment? That is, on approximately March 3, 2012, and continuing to approximately March 4, 2012, in the Northern District of California and elsewhere, the defendant used the Internet to access computers belonging to LinkedIn Corporation and obtained information.

Yes, Guilty \_\_\_\_\_

No, Not Guilty \_\_\_\_\_

a. If you found the defendant guilty as to Count One, do you also find beyond a reasonable doubt that the offense was committed for purposes of commercial advantage or private financial gain?

Yes \_\_\_\_\_ No \_\_\_\_\_

b. If you found the defendant guilty as to Count One, do you also find beyond a reasonable doubt that the value of the information obtained exceeded \$5,000?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Has the government proven beyond a reasonable doubt that defendant Yevgeniy Nikulin is guilty of Intentional Transmission Causing Damage to a Protected Computer, in violation of Title 18, United States Code, Section 1030(a)(5)(A) as charged in Count Two of the indictment? That is, starting on or about March 3, 2012, and continuing through on or about March 4, 2012, in the Northern District of California and elsewhere, the defendant knowingly transmitted a program, information, or code, or command to a computer belonging to LinkedIn Corporation employee N.B.

Yes, Guilty \_\_\_\_\_ No, Not Guilty \_\_\_\_\_

a. If you found the defendant guilty as to Count Two, do you also find beyond a reasonable doubt that the offense caused loss to one or more persons during any one-year period aggregating at least \$5,000 in value?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. Has the government proven beyond a reasonable doubt that defendant Yevgeniy Nikulin is guilty of Aggravated Identity Theft, in violation of Title 18, United States Code, Section 1028A as charged in Count Three of the indictment? That is, beginning on approximately March 3, 2012, and continuing to approximately March 4, 2012, in the Northern District of California and elsewhere, the defendant possessed and used the username and password assigned to LinkedIn Corporation employee N.B.

Yes, Guilty \_\_\_\_\_

No, Not Guilty \_\_\_\_\_

4. Has the government proven beyond a reasonable doubt that defendant Yevgeniy Nikulin is guilty of Computer Intrusion, in violation of Title 18, United States Code, Section 1030(a)(2) as charged in Count Four of the indictment? That is, beginning on approximately May 14, 2012, and continuing to approximately July 25, 2012, in the Northern District of California and elsewhere, the defendant used the Internet to access computers belonging to Dropbox Inc. and obtained information.

Yes, Guilty \_\_\_\_\_

No, Not Guilty \_\_\_\_\_

a. If you found the defendant guilty as to Count Four, do you also find beyond a reasonable doubt that the offense was committed for purposes of commercial advantage or private financial gain?

Yes \_\_\_\_\_

No \_\_\_\_\_

b. If you found the defendant guilty as to Count Four, do you also find beyond a reasonable doubt that the value of the information obtained exceeded \$5,000?

Yes \_\_\_\_\_

No \_\_\_\_\_

5. Has the government proven beyond a reasonable doubt that defendant Yevgeniy Nikulin is guilty of Conspiracy, in violation of Title 18, United States Code, Section 371 as charged in Count Five of the indictment? That is, beginning on a date unknown and continuing to on or about May 31, 2012, in the Northern District of California and elsewhere, the defendant conspired to knowingly and with intent to defraud, traffic in unauthorized access devices, that is, usernames, email addresses, and passwords belonging to customers of Formspring Inc.

Yes, Guilty \_\_\_\_\_

No, Not Guilty \_\_\_\_\_

6. Has the government proven beyond a reasonable doubt that defendant Yevgeniy Nikulin is guilty of Trafficking in Unauthorized Access Devices, in violation of Title 18, United States Code, Section 1029(a)(2) as charged in Count Six of the indictment? That is, beginning on a date unknown and continuing to approximately September 19, 2012, in the Northern District of California and elsewhere, the defendant knowingly and with intent to defraud, trafficked in unauthorized access devices, that is, usernames, email addresses, and passwords belonging to customers of Formspring Inc.

Yes, Guilty \_\_\_\_\_

No, Not Guilty \_\_\_\_\_

7. Has the government proven beyond a reasonable doubt that defendant Yevgeniy Nikulin is guilty of Computer Intrusion in violation of Title 18, United States Code, Section 1030(a)(2) as charged in Count Seven of the indictment? That is, beginning on approximately June 13, 2012, and continuing to approximately June 29, 2012, in the Northern District of California and elsewhere, the defendant used the Internet to access computers belonging to Formspring Inc. and obtained information.

Yes, Guilty \_\_\_\_\_

No, Not Guilty \_\_\_\_\_

a. If you found the defendant guilty as to Count Seven, do you also find beyond a reasonable doubt that the offense was committed for purposes of commercial advantage or private financial gain?

Yes \_\_\_\_\_ No \_\_\_\_\_

b. If you found the defendant guilty as to Count Seven, do you also find beyond a reasonable doubt that the value of the information obtained exceeded \$5,000?

Yes \_\_\_\_\_ No \_\_\_\_\_

8. Has the government proven beyond a reasonable doubt that defendant Yevgeniy Nikulin is guilty of Intentional Transmission Causing Damage to a Protected Computer, in violation of Title 18, United States Code, Section 1030(a)(5)(A) as charged in Count Eight of the indictment? That is, starting on or about June 13, 2012, and continuing through on or about June 29, 2012, in the Northern District of California and elsewhere, the defendant knowingly transmitted a program, information, code, or command to a computer belonging to Formspring Inc.

Yes, Guilty \_\_\_\_\_ No, Not Guilty \_\_\_\_\_

a. If you found the defendant guilty as to Count Eight, do you also find beyond a reasonable doubt that the offense caused loss to one or more persons during any one-year period aggregating at least \$5,000 in value?

Yes \_\_\_\_\_ No \_\_\_\_\_

9. Has the government proven beyond a reasonable doubt that defendant Yevgeniy Nikulin is guilty of Aggravated Identity Theft, in violation of Title 18, United States Code, Section 1028A as charged in Count Nine of the indictment? That is, beginning on approximately June 13, 2012, and continuing to approximately June 29, 2012, in the Northern District of California and elsewhere, the defendant possessed and used the username and password assigned to Formspring Inc. employee J.S.

Yes, Guilty \_\_\_\_\_

No, Not Guilty \_\_\_\_\_

\* \* \*

When this form is completed, the jury foreperson should date and sign it and advise the Court that you have reached a verdict.

Dated:

\_\_\_\_\_  
FOREPERSON